



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: Benton Irrigation District
County: Benton County
Water Body: Yakima River
Type of Authorization - Use: Easement – Water Intake Structure and River Pump Station
Authorization Number: 51-084175
Term: 30 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of a water intake structure & river pump station that will provide water to the Benton Irrigation District. It is located in the Yakima River, in Yakima County, Washington.

**Benton Irrigation District
Water Intake Structure & River Pump Station
Yakima River - Benton County**



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Vicinity Map

Every attempt was made to use the most accurate and current geographic data available. However, due to multiple sources, scales, and the currency of the data used to develop this map Washington Department of Natural Resources cannot accept responsibility for errors and omissions in the data. Furthermore, this data is not survey grade information and cannot be substituted for an official survey. Therefore, there are no warranties that accompany this material.

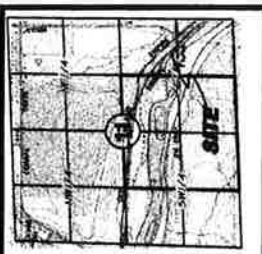


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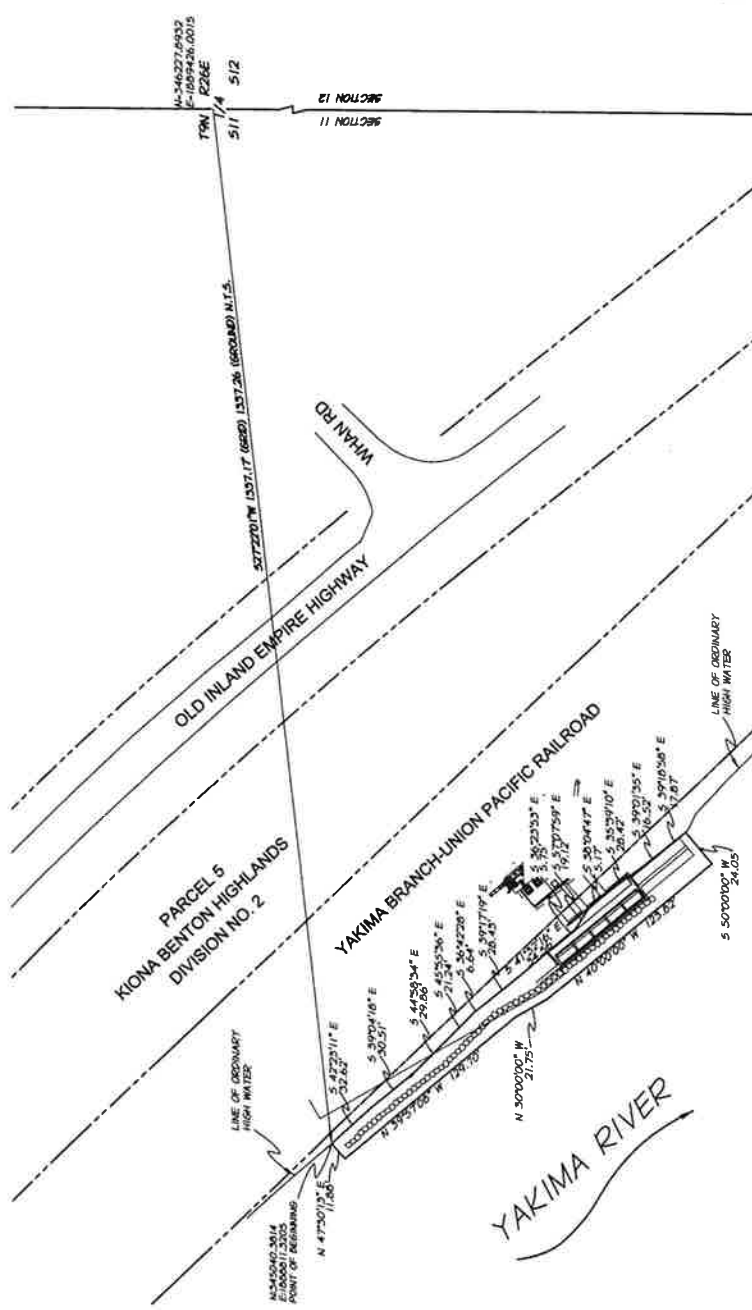
Coordinate System: Washington State Plane South
Projection: Lambert Conformal Conic
Datum: NAD83 HARN

Easement No. 51-084175

A-1 Intake & Pump Station



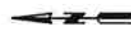
LOCATED IN SEC. 11, T11N, R14E, WA.
VICINITY MAP
NOT TO SCALE



SURVEY DATUM:

READINGS SHOWN ARE BASED ON BENTON COUNTY SURVEY VOLUME 1, PAGE 1970, AND REPRESENT THE GRID DIRECTIONS OF THE WASHINGTON STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD83/91). DISTANCES SHOWN ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.

SCALE: 1" = 50'



SURVEYOR'S CERTIFICATE

I, HARMON E. MCLENDON, SURVEYOR, MAKE THIS CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND AT THE REQUEST OF THE BENTON COUNTY IRRIGATION DISTRICT.

HARMON E. MCLENDON, PLS 35140
1001 N. FIR STREET
LA BREA, OR 97630

DATE: 4/06/09



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS DAY OF
AT M. IN BOOK OF SURVEYS, AT PAGE AT THE REQUEST
OF ANDERSON-PERRY & ASSOCIATES, INC.

BENTON COUNTY AUDITOR

DNR LEASE-INTAKE EASEMENT IN THE SE1/4 OF SECTION 11, T9N, R26E BENTON COUNTY, WASHINGTON

FOR BENTON IRRIGATION DISTRICT	
SCALE: 1" = 50'	SHEET 1/1
DATE: APRIL, 2009	
FILE NO. 1199-360	

LEGAL DESCRIPTION:

A PARCEL OF LAND TO BE USED AS A LIFT INTAKE STRUCTURE AND ALL APPURTENANCES THEREON, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 12 NORTH, RANGE 26 EAST, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE ORDINARY HIGH WATER MARK ON THE LEFT BANK OF THE YAKIMA RIVER AS DETERMINED BY FIELD SURVEY IN OCTOBER OF 2008, THE COORDINATES OF SAID POINT IN THE WASHINGTON STATE COORDINATE SYSTEM SOUTH ZONE BEING NORTH 34.50403814 AND EAST 1868811.5205, THENCE DOWNSTREAM ALONG SAID LINE OF ORDINARY HIGH WATER THE FOLLOWING 13 COURSES:

1. SOUTH 42°23'11" EAST A DISTANCE OF 32.62 FEET;
2. SOUTH 39°04'18" EAST A DISTANCE OF 30.51 FEET;
3. SOUTH 44°58'34" EAST A DISTANCE OF 29.86 FEET;
4. SOUTH 45°55'36" EAST A DISTANCE OF 21.24 FEET;
5. SOUTH 36°42'28" EAST A DISTANCE OF 6.64 FEET;
6. SOUTH 39°17'19" EAST A DISTANCE OF 28.43 FEET;
7. SOUTH 41°32'16" EAST A DISTANCE OF 34.56 FEET;
8. SOUTH 36°23'53" EAST A DISTANCE OF 5.75 FEET;
9. SOUTH 57°07'59" EAST A DISTANCE OF 19.12 FEET;
10. SOUTH 38°04'47" EAST A DISTANCE OF 5.17 FEET;
11. SOUTH 35°59'10" EAST A DISTANCE OF 28.42 FEET;
12. SOUTH 39°01'35" EAST A DISTANCE OF 16.52 FEET;
13. SOUTH 39°10'58" EAST A DISTANCE OF 17.87 FEET;

THENCE LEAVING SAID LINE, SOUTH 50°00'00" WEST A DISTANCE OF 24.05 FEET; THENCE NORTH 40°00'00" WEST A DISTANCE OF 123.82 FEET; THENCE NORTH 30°00'00" WEST A DISTANCE OF 21.75 FEET; THENCE NORTH 39°57'08" WEST A DISTANCE OF 129.70 FEET; THENCE NORTH 47°30'13" EAST A DISTANCE OF 11.88 FEET TO THE POINT OF BEGINNING CONTAINING 5194 SQUARE FEET, OR 0.119 ACRES, MORE OR LESS.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
DOUG SUTHERLAND, Commissioner of Public Lands

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

I. SUBMISSION OF APPLICATION

Enclose a \$25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies). This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Department of Natural Resources
Cindy Preston
Rivers District, PO Box 280,
Castle Rock WA 98611

II. APPLICANT INFORMATION

Date of Application: 1/10/2009

Authorization to be Issued To (how name is to appear in the lease document): **Benton Irrigation District**

Applicant's Representative: **Marissa Steketee for Sapere Consulting**

Relationship to Applicant: **Permitting Agent**

Address: **P.O. Box 626**
2025 1st Ave, Suite 730

City: **Seattle Benton City**

State: **WA**

Zip Code: **98121**

Telephone: (206) 935-6800 ext.401

Fax: (206) 935-4985

E-Mail: **msteketee@sapereconsulting.com**

FOR OFFICIAL USE ONLY

Support staff: Application Fee Received

JARPA Received

Date: **1/21/09**

Land Manager: ☒ New Application;

Renewal Application

Land Manager Initials: **MS/cp**

Land Manager Type: (20, 21, 22, 23, 31, 61)

Land Records: New Application Number

51-084175

Trust **15/21**

County **03**

AQR Plate No

SS03-040
Note 6

II. APPLICANT INFORMATION cont'

Department of Revenue Tax *Registration Number (Unified Business Identifier) is **Required**: 91-0845962

Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc): See Appendix A for bylaws and RCW establishing Benton Irrigation District.

Corporation ☐
State of Registration:

Limited Partnership ☐
State of Registration:

General Partnership ☐
State of Registration:

Sole Proprietorship ☐

Marital Community Spouse: ☐

Government Agency ☐

Other ☒ (Please Explain:) **Irrigation District**

Has the site use been authorized before or is it currently under lease? Yes ☐ Lease Number:

No ☒ Don't Know ☐

III. LOCATION

The Body of Water on which the state property is located:
Yakima River

County in which the state property is located: **Benton County**

Government Lot: **2 1**

Section: **11**

Township: **20N 9N**

Range: **26**

E ☒ or W ☐

Note: A legal property survey including the legal description and other information about the property is required to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement as Exhibit A. **DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.**

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.):
Riverbed, bank and uplands adjacent to the Yakima River.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

The upland owners are:

Jeffery J. Seltz and Lauren L. Seltz

Stephen P. Reidel and Mary Rachel Knight

See Appendix B - Draft Land Easements for a detailed plan of the site area and adjacent properties as well as contact information.

Address:

City:

State:

Zip Code:

Phone Number:

Fax Number

E-mail:

Note: Except for property located within established Harbor Areas, proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property may be required. If the applicant is the owner of the adjacent land, attach a copy of the deed.

Applicant is not the owner of the uplands to be used for the project site, however easements across private property are under development. Property ownership records for the proposed site are included as part of Appendix B, as are proposed utility easements for the project.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties:

Portions of the parcel numbers below will be used for the project site. These parcels will also be adjacent to the project. See Appendix B for detailed parcel information.

Parcel Numbers:

111961020043002

111962020039000

111962000001000

111963000007000

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:

The proposed water conservation project proposes construction of a water intake and river pump station that will house 8 variable speed pumps to provide on-demand water to the irrigation district. This project also includes the construction of infrastructure associated with the pump station, including a gravel access road, an electrical control building and two main lines (48" and 36") to convey the water to distribution points. The total upland area for this phase of the project is approximately 1.75 acres. The total area waterward of the mean high water line is approximately 2000 sq ft.

Is or will the Property be subleased to another party? Yes ☐ No ☒

If yes, submit a copy of the sublease agreement.

What are the current and past uses of the site?

The site is currently abandoned and contains a portion of an abandoned irrigation canal and railway bed. Portions of the site have been used as a railway right of way and as an irrigation canal.

Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? Yes ☐ No ☒

If so, please explain:

Do you know if any fill material has been placed on the property in question? Yes ☐ No ☒

If yes, please explain:

V. IMPROVEMENTS

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: pilings, dolphins, piers, wharves, piling-supported buildings, structures built on fill or concrete foundations, buried pipelines and cables, and support structures for bridges.

What physical improvements currently exist on the site? (Photos may be required.) **There are no physical improvements currently on the site**

If there are physical improvements currently on the site, who owns them? **Not applicable**

If there are physical improvements currently on the site, describe their condition: **Not applicable**

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? **Not applicable**

Describe any physical improvements that the applicant is proposing to construct on the site:

The applicant is proposing a water conservation project that requires construction of a water intake and river pump station that will house 8 variable speed pumps to provide on-demand water to the irrigation district. This project also includes the construction of infrastructure associated with the pump station, including a gravel access road, an electrical control building and two main lines (48" and 36") to convey the water to distribution points. The total upland area for this phase of the project is approximately 1.75 acres. The total area waterward of the mean high water line is approximately 2000 sq ft. See Appendix C site plans.

Has any fill material been placed on the site? Yes ☐ No ☒

If Yes, please describe:

No fill material has been placed on site, however as part of construction, fill will be necessary upland as well as in river.

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before Issuance of a DNR Use Authorization. Your project may require all or some of the following:

Please include the following permit applications, permits, or waivers with the application:
JARPA and SEPA are being prepared for submittal. Copies of applications and permits will be forwarded to DNR as soon as they are available

JARPA (Joint Aquatic Resource Permit Application) - This one form is used to apply for all of the following individual permits:

1. **Section 10 Permit** (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. **Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption** (Issued by Local Government, and is required for work or activity in the 100 year flood plain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. **Hydraulic Project Approval** (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. **Section 404 Permit** (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
5. **Section 401 Water Quality Certification** (Required by the Department of Ecology if a Section 404 permit is required.)

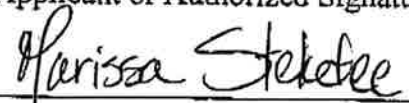
NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

SEPA (State Environmental Policy Act) Checklist and Environmental Assessments - When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur:

Not applicable.

All answers and statements are true and correct to the best of my knowledge.

Applicant Name (please print): Marissa Steketee, Sapere Consulting on behalf of Benton Irrigation District	Title: Environmental/Permitting Consultant
Applicant or Authorized Signature: 	Date: 01/14/09